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U.S. DISTRICT COURT E.D.N.Y.

★ JUL 28 2009 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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TZVI WEISS, *et al.*

Plaintiffs,

- against -

NATIONAL WESTMINSTER BANK PLC,

Defendant.
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BROOKLYN OFFICE

STIPULATION
AND ORDER

05-cv-4622 (CPS) (MDG)

-----X
NATAN APPLEBAUM, *et al.*,

Plaintiffs,

-against-

NATIONAL WESTMINSTER BANK PLC,

Defendant.
:
:
:
-----X

07-cv-916 (CPS) (MDG)

STIPULATION AND ORDER

Plaintiffs, by and through their counsel, and Defendant, by and through its counsel, hereby stipulate as follows:

WHEREAS, Defendant objected based upon United Kingdom bank secrecy restrictions to the production of certain information requested by the Weiss Plaintiffs, including under the principles of banker-client confidentiality under English law articulated in Tournier v. National Provincial and Union Bank of England, [1924] 1 KB 461 (C.A.), and its progeny;

WHEREAS, the Court overruled Defendant's bank secrecy objections in its May 14, 2007 Memorandum and Order with respect to certain of Plaintiffs' requests;

WHEREAS, the Court directed in its September 26, 2008 Minute Order that Defendant produce certain documents in response to Plaintiffs' final list of subject entities and persons that Plaintiffs served on Defendant on November 13, 2008;

WHEREAS, pursuant to Plaintiffs' requests Defendant has produced the document bates-stamped NW 162252 through NW 162261, omitting based upon banker-client confidentiality principles the name and account information of a customer and the names of other entities not identified on Plaintiffs' list of subject entities and persons that Plaintiffs served on Defendant on November 13, 2008;

WHEREAS, pursuant to Plaintiffs' requests Defendant has produced the document bates-stamped NW 162227 through NW 162234, omitting based upon banker-client confidentiality principles the name and account information of a customer that transferred 50,000 GBP to Friends of Al Aqsa, and the names of other entities not identified on Plaintiffs' list of subject entities and persons that Plaintiffs served on Defendant on November 13, 2008;

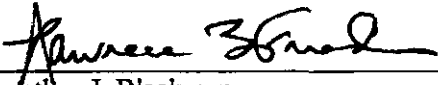
WHEREAS, Plaintiffs contend that, based upon the Court's May 14, 2007 and September 26, 2008 Orders, Defendant is required to produce to Plaintiffs versions of the documents bates-stamped NW 162252 through NW 162261 and NW 162227 through NW 162234 without redaction of the name of the subject customers;

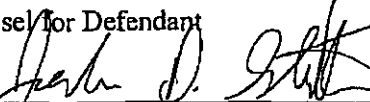
WHEREAS, Defendant preserves its objection to the production of such information in light of the principles of banker-client confidentiality under English law articulated in Tournier;

NOW, THEREFORE, it is hereby stipulated that Defendant will produce to Plaintiffs a new version of the documents bates-stamped NW 162252 through NW 162261 and NW 162227 through NW 162234, without redaction of the name of the subject customers.

This stipulation does not serve as a waiver of Defendant's right to object to the relevancy of any further requests for information related to the subject customer(s). Plaintiffs stipulate that they do not intend to seek further discovery as to the subject customer(s) absent a good-faith belief that the subject customer(s) is relevant to these lawsuits. For this purpose, a relevant customer will appear on a terrorist list published by the U.S., Bank of England, European Union, United Nations, or Israel, or have some connection to an individual or entity appearing on one or more of the lists beyond the fact that its name appears in a document that refers to such an individual or entity.

Dated: July 13, 2009

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Counsel for the Applebaum Plaintiffs

SO ORDERED:

Dated: July 21, 2009

s/Marilyn D. Go

Marilyn D. Go (U.S.M.J.)